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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,442	08/26/2003	Go Shirouzu	Q77148	1641

23373 7590 03/07/2007  
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WASHINGTON, DC 20037

EXAMINER
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KIM, JUNG W

ART UNIT	PAPER NUMBER
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2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/647,442

Applicant(s)

SHIROUZU, GO

Examiner

Jung Kim

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date see enclosed.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-20 are pending.

#### ***Information Disclosure Statement***

2. The IDS submitted on 1/13/2004 has been considered. An initialed copy is enclosed.

#### ***Claim Objections***

3. Claim 9 is objected to under 37 CFR 1.75(c). Claim 9 is listed twice in the claims.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9 and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakanishi et al. USPN 7,080,259 (hereinafter Nakanishi).

6. As per claim 1, Nakanishi discloses an encryption data recording method (fig. 13 and col. 20:18-54) comprising the steps of: a data writing step writing encryption data in at least one of recording media, using a data recording system with a plurality of the recording media (fig. 13, reference nos. 110 and 122); a key data dividing step dividing key data of said encryption data into a plurality of key data elements (fig. 13, reference no. 134); and a key data element storing step separately storing divided each key data element in a plurality of the recording media. (fig. 13, reference nos. 113 and 123)

7. As per claim 2, Nakanishi further discloses an encryption data reproducing method which reproduces encryption data recorded with an encryption data recording method according to claim 1, the reproducing method (fig. 13 and col. 20:55-21:35) comprising the steps of: a data reading step reading encryption data written in at least one of plurality of recording media (fig. 13, reference nos. 110, 122 and 133; col. 12:55-58); a key data element reading step reading all said key data elements from said recording media in which a plurality of key data elements obtained by dividing key data of said encryption data are separately stored (fig. 13, reference nos. 110, 122; col. 12:55-58); and a decrypting step producing said key data based on said key data elements and decrypting said encryption data using the key data. (fig. 13, reference nos. 105, 135; col. 20:58-21:3)

8. As per claim 3, Nakanishi discloses an encryption data recording method comprising the steps of: a data writing step writing encryption data in part of recording

media, using a data recording system with a plurality of recording media; and a key data storing step storing key data of said encryption data in any one of other recording media. (fig. 13 and col. 20:18-54)

9. As per claim 4, Nakanishi further discloses an encryption data reproducing method which reproduces encryption data recorded with an encryption data recording method according to claim 2, the reproducing method comprising the steps of: a data reading step reading encryption data written in at least one of plurality of recording media; and a decrypting step reading said key data from any one of other recording media in which key data of said encryption data is stored and decrypting said encryption data, using the key data. (20:49-21:3)

10. As per claim 5, Nakanishi discloses an encryption data recording system comprising: a drive which writes encryption data in a plurality of recording media and said recording medium; a key data element storing unit which is provided with each said recording medium and stores key data elements into which key data of said encryption data is divided; and a control mechanism comprising the steps of producing said encryption data and writing said encryption data in at least one of plurality of said recording media by said drive, and producing a plurality of the key data elements by dividing key data of said encryption data, and separately storing divided each key data element in each key data element storing unit. (fig. 13 and col. 20:18-54)

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11. As per claim 6, Nakanishi further discloses an encryption data reproducing system which reproduces encryption data recorded by an encryption data recording system according to claim 5, the reproducing system comprising: a drive which reads encryption data from a plurality of recording media and said recording medium; a key data element storing unit which is provided with each said recording medium and stores key data elements into which key data of said encryption data is divided; and a control mechanism comprising the steps of reading said encryption data written in said recording medium by said drive and reading all said key data elements separately stored in said each key data element storing unit, and producing the key data based on the read each key data element and decrypting said encryption data using the key data. (fig. 13 and col. 20:55-21:35)

12. As per claim 7, Nakanishi discloses an encryption data recording system comprising: a drive which writes encryption data in a plurality of recording media and said recording medium; a key data element storing unit which is provided with each said recording medium and stores key data of said encryption data; and a control mechanism comprising the steps of producing said encryption data and writing said encryption data in part of plurality of said recording media by said drive, and storing said key data in said key data storing unit of any one of other recording media. (fig. 13 and col. 20:18-54)

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13. As per claim 8, Nakanishi further discloses an encryption data reproducing system which reproduces encryption data recorded by an encryption data recording system according to claim 7, which the reproducing system reproduces the encryption data recorded in part of plurality of recording media using key data stored in any one of other recording media, the reproducing system comprising: a drive which reads from said recording medium, and a key data element storing unit which is provided with said recording medium and stores the key data of said encryption data; and a control mechanism comprising the steps of reading said encryption data written in said recording medium by said drive and reading the key data stored in said key data element storing unit, and decrypting said encryption data using the key data. (fig. 13 and col. 20:55-21:35)

14. As per claims 13-16, Nakanishi further discloses said recording medium is a magnetic disk. (col. 30:41-47)

15. As per claims 17-20, Nakanishi further discloses said recording medium is an optical recording disk. (col. 30:41-47)

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi.

18. As per claims 9-12, the rejections of claims 5-8 as being anticipated by Nakanishi are incorporated herein. Although Nakanishi does not expressly disclose that the recording medium is a magnetic tape, Nakanishi discloses that the storage medium includes such mediums such as magnetic disc, magneto-optical disc, ROM, DVROM or the like. It is notoriously well known in the art that magnetic tape is one of the primary storage mediums for computer data. It is further notoriously well known to use magnetic tape over other types of storage mediums because of its low cost. Examiner takes Official notice of this teaching. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Nakanishi such that the storage medium is magnetic tape. One would be motivated to do so because of the low cost of magnetic tape compared with other storage mediums as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 9-12.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See enclosed PTO-892.



***Communications Inquiry***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JK  
March 2, 2007



Benjamin E. Lauer  
Examiner AU 2132